BOMBAY ACT No. XXVIII OF 1955.[1]

[THE LEPERS (BOMBAY AMENDMENT) ACT, 1955.]

[*16th September 1955*]

An Act to amend the Lepers Act, 1898, in its application to the State of Bombay.

III of 1898. WHEREAS it is expedient to amend the Lepers Act, 1898, in its application to the State of Bombay for the purposes hereinafter appearing; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Lepers (Bombay Amendment) Act, 1955.

Amendment of long title and preamble of Act III of 1898.

III of 1898. 2. In the long title and the preamble of the Lepers Act, 1898, in its application to the State of Bombay (hereinafter called "the said Act") the word "pauper" shall be deleted.

Insertion of new sections 14A to 14F in Act III of 1898.

3. After section 14 of the said Act, the following sections shall be inserted, namely :—

Power of State Government to prohibit entry of lepers in notified area.

"14A. If it appears to the State Government that in any local area, large bodies of persons are likely to assemble on account of pilgrimage, fair or other such occurrence and that the presence of lepers amidst such assembly of persons is likely to cause the spread of leprosy, the State Government may, by notification in the *Official Gazette*, declare such local area as notified area for such period as may be specified in the notification and order that no leper shall, unless he is a permanent resident of the notified area, enter or remain within the limits of the notified area during the period specified in the notification.

Duty of local authority to set up segregation camp in notified area.

14B. (*1*) Notwithstanding any law for the time being in force relating to any local authority, it shall be the duty of every local authority within whose local limits the notified area or part thereof is situate, to set up a segregation camp for the reception of lepers.

(*2*) Every such segregation camp shall be equipped with adequate supply of water and food and necessary sanitary arrangements.

(*3*) Such segregation camp shall be in charge of an Inspector of Lepers who shall be appointed by the State Government under section 4.

Power to arrest without warrant leper found in notified area.

14C. (*1*) Any police officer or any person specially empowered by the State Government by order in writing in this behalf may arrest without a warrant any person, who appears to him to be a leper and who is found to be within the limits of the notified area in contravention of the order issued under section 14A.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pages 182-183.

(2) Such police officer or other person shall forthwith take or send the person so arrested to the nearest convenient segregation camp :

Provided that no person so arrested shall be detained in custody or in the segregation camp without the order of the nearest Magistrate for longer period than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such Magistrate.

Inquiry in respect of lepers and their detention in segregation camps.

14D. (1) As soon as a person arrested under section 14C is brought to the segregation camp, the Inspector of Lepers in charge of the camp shall examine such person and—

(*a*) if he finds that such person is not a leper, he shall give him a certificate in Form A set forth in the Schedule, whereupon such person shall be forthwith released from arrest ;

(*b*) if he finds that such person is a leper he shall give to the police officer or the person arresting such person a certificate in Form B set forth in the Schedule whereupon the leper shall forthwith be taken before a Presidency Magistrate in Greater Bombay or elsewhere a Magistrate of the first class having jurisdiction or before any other Magistrate authorised in this behalf by the State Government.

(2) If upon the certificate in Form B and after giving to the arrested person an opportunity of being heard, it appears to the Magistrate that such person is a leper, the Magistrate shall record a declaration that such person is a leper and order such person to be detained in such segregation camp as may be specified in the order so long as the notification issued under section 14A is in force and shall send such leper to such segregation camp together with an order in Form F set forth in the Schedule :

Provided that where the person declared to be a leper proves to the satisfaction of the Magistrate that he is a permanent resident of the notified area, the Magistrate shall order that such person shall be forthwith discharged :

Provided further that if the person declared to be a leper shall give an undertaking in writing that he shall forthwith depart from the notified area and shall not enter or remain in the notified area so long as the notification issued under section 14A is in force, then the Magistrate may order that such person be discharged.

Penalty for non-compliance of undertaking.

14E. If any person released from arrest on an undertaking given by him under section 14D fails to comply with such undertaking, he shall, on conviction, be punished with fine which may extend to fifty rupees.

Rearrest of leper escaping from segregation camp.

14F. The provisions of section 12 shall, *mutatis mutandis*, apply to any leper who escapes from a segregation camp."

4. In the Schedule to the said Act, after Form E, the following Form shall be inserted, namely :— Insertion of new Form F in Schedule to Act III of 1898.

"F.—WARRANT OF DETENTION.

(Section 14D)

To

The Inspector of Lepers in charge
of the Segregation Camp at.....

Whereas it has been made to appear to me that (name and description) is a leper as defined in the Lepers Act, 1898 ;

This is to authorise you, the said Inspector of Lepers, to receive the said .....into your custody together with this order and safely to keep him/her in the said segregation camp till the expiry of the .....day of.....

Given under my hand and the seal of the Court this day of 195 .

Seal.

(Signature)

Magistrate."